

1 **TITLE VII—COMBAT METH-**
2 **AMPHETAMINE EPIDEMIC**
3 **ACT OF 2005**

4 **SEC. 701. SHORT TITLE.**

5 This title may be cited as the “Combat Methamphet-
6 amine Epidemic Act of 2005”.

7 **Subtitle A—Domestic Regulation of**
8 **Precursor Chemicals**

9 **SEC. 711. SCHEDULED LISTED CHEMICAL PRODUCTS; RE-**
10 **STRICTIONS ON SALES QUANTITY, BEHIND-**
11 **THE-COUNTER ACCESS, AND OTHER SAFE-**
12 **GUARDS.**

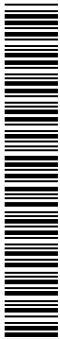
13 (a) SCHEDULED LISTED CHEMICAL PRODUCTS.—

14 (1) IN GENERAL.—Section 102 of the Con-
15 trolled Substances Act (21 U.S.C. 802) is
16 amended—

17 (A) by redesignating paragraph (46) as
18 paragraph (49); and

19 (B) by inserting after paragraph (44) the
20 following paragraphs:

21 “(45)(A) The term ‘scheduled listed chemical prod-
22 uct’ means, subject to subparagraph (B), a product that—



1 “(i) contains ephedrine, pseudoephedrine, or
2 phenylpropanolamine; and

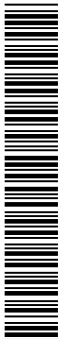
3 “(ii) may be marketed or distributed lawfully in
4 the United States under the Federal, Food, Drug,
5 and Cosmetic Act as a nonprescription drug.

6 Each reference in clause (i) to ephedrine,
7 pseudoephedrine, or phenylpropanolamine includes each of
8 the salts, optical isomers, and salts of optical isomers of
9 such chemical.

10 “(B) Such term does not include a product described
11 in subparagraph (A) if the product contains a chemical
12 specified in such subparagraph that the Attorney General
13 has under section 201(a) added to any of the schedules
14 under section 202(c). In the absence of such scheduling
15 by the Attorney General, a chemical specified in such sub-
16 paragraph may not be considered to be a controlled sub-
17 stance.

18 “(46) The term ‘regulated seller’ means a retail dis-
19 tributor (including a pharmacy or a mobile retail vendor),
20 except that such term does not include an employee or
21 agent of such distributor.

22 “(47) The term ‘mobile retail vendor’ means a person
23 or entity that makes sales at retail from a stand that is
24 intended to be temporary, or is capable of being moved
25 from one location to another, whether the stand is located



1 within or on the premises of a fixed facility (such as a
2 kiosk at a shopping center or an airport) or whether the
3 stand is located on unimproved real estate (such as a lot
4 or field leased for retail purposes).

5 “(48) The term ‘at retail’, with respect to the sale
6 or purchase of a scheduled listed chemical product, means
7 a sale or purchase for personal use, respectively.”.

8 (2) CONFORMING AMENDMENTS.—The Con-
9 trolled Substances Act (21 U.S.C. 801 et seq.) is
10 amended—

11 (A) in section 102, in paragraph (49) (as
12 redesignated by paragraph (1)(A) of this sub-
13 section)—

14 (i) in subparagraph (A), by striking
15 “pseudoephedrine or” and inserting
16 “ephedrine, pseudoephedrine, or”; and

17 (ii) by striking subparagraph (B) and
18 redesignating subparagraph (C) as sub-
19 paragraph (B); and

20 (B) in section 310(b)(3)(D)(ii), by striking
21 “102(46)” and inserting “102(49)”.

22 (b) RESTRICTIONS ON SALES QUANTITY; BEHIND-
23 THE-COUNTER ACCESS; LOGBOOK REQUIREMENT; TRAIN-
24 ING OF SALES PERSONNEL; PRIVACY PROTECTIONS.—



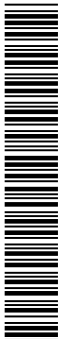
1 (1) IN GENERAL.—Section 310 of the Con-
2 trolled Substances Act (21 U.S.C. 830) is amended
3 by adding at the end the following subsections:

4 “(d) SCHEDULED LISTED CHEMICALS; RESTRIC-
5 TIONS ON SALES QUANTITY; REQUIREMENTS REGARDING
6 NONLIQUID FORMS.—With respect to ephedrine base,
7 pseudoephedrine base, or phenylpropanolamine base in a
8 scheduled listed chemical product—

9 “(1) the quantity of such base sold at retail in
10 such a product by a regulated seller, or a distributor
11 required to submit reports by subsection (b)(3) may
12 not, for any purchaser, exceed a daily amount of 3.6
13 grams, without regard to the number of trans-
14 actions; and

15 “(2) such a seller or distributor may not sell
16 such a product in nonliquid form (including gel
17 caps) at retail unless the product is packaged in blis-
18 ter packs, each blister containing not more than 2
19 dosage units, or where the use of blister packs is
20 technically infeasible, the product is packaged in
21 unit dose packets or pouches.

22 “(e) SCHEDULED LISTED CHEMICALS; BEHIND-THE-
23 COUNTER ACCESS; LOGBOOK REQUIREMENT; TRAINING
24 OF SALES PERSONNEL; PRIVACY PROTECTIONS.—



1 “(1) REQUIREMENTS REGARDING RETAIL
2 TRANSACTIONS.—

3 “(A) IN GENERAL.—Each regulated seller
4 shall ensure that, subject to subparagraph (F),
5 sales by such seller of a scheduled listed chem-
6 ical product at retail are made in accordance
7 with the following:

8 “(i) In offering the product for sale,
9 the seller places the product such that cus-
10 tomers do not have direct access to the
11 product before the sale is made (in this
12 paragraph referred to as ‘behind-the-
13 counter’ placement). For purposes of this
14 paragraph, a behind-the-counter placement
15 of a product includes circumstances in
16 which the product is stored in a locked
17 cabinet that is located in an area of the fa-
18 cility involved to which customers do have
19 direct access.

20 “(ii) The seller delivers the product
21 directly into the custody of the purchaser.

22 “(iii) The seller maintains, in accord-
23 ance with criteria issued by the Attorney
24 General, a written or electronic list of such
25 sales that identifies the products by name,

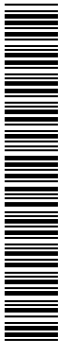


1 the quantity sold, the names and addresses
2 of purchasers, and the dates and times of
3 the sales (which list is referred to in this
4 subsection as the ‘logbook’), except that
5 such requirement does not apply to any
6 purchase by an individual of a single sales
7 package if that package contains not more
8 than 60 milligrams of pseudoephedrine.

9 “(iv) In the case of a sale to which
10 the requirement of clause (iii) applies, the
11 seller does not sell such a product unless—

12 “(I) the prospective purchaser—

13 “(aa) presents an identifica-
14 tion card that provides a photo-
15 graph and is issued by a State or
16 the Federal Government, or a
17 document that, with respect to
18 identification, is considered ac-
19 ceptable for purposes of sections
20 274a.2(b)(1)(v)(A) and
21 274a.2(b)(1)(v)(B) of title 8,
22 Code of Federal Regulations (as
23 in effect on or after the date of
24 the enactment of the Combat



1 Methamphetamine Epidemic Act
2 of 2005); and

3 “(bb) signs the logbook and
4 enters in the logbook his or her
5 name, address, and the date and
6 time of the sale; and

7 “(II) the seller—

8 “(aa) determines that the
9 name entered in the logbook cor-
10 responds to the name provided on
11 such identification and that the
12 date and time entered are cor-
13 rect; and

14 “(bb) enters in the logbook
15 the name of the product and the
16 quantity sold.

17 “(v) The logbook includes, in accord-
18 ance with criteria of the Attorney General,
19 a notice to purchasers that entering false
20 statements or misrepresentations in the
21 logbook may subject the purchasers to
22 criminal penalties under section 1001 of
23 title 18, United States Code, which notice
24 specifies the maximum fine and term of
25 imprisonment under such section.



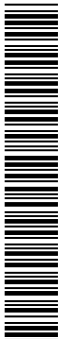
1 “(vi) The seller maintains each entry
2 in the logbook for not fewer than two years
3 after the date on which the entry is made.

4 “(vii) In the case of individuals who
5 are responsible for delivering such products
6 into the custody of purchasers or who deal
7 directly with purchasers by obtaining pay-
8 ments for the products, the seller has sub-
9 mitted to the Attorney General a self-cer-
10 tification that all such individuals have, in
11 accordance with criteria under subpara-
12 graph (B)(ii), undergone training provided
13 by the seller to ensure that the individuals
14 understand the requirements that apply
15 under this subsection and subsection (d).

16 “(viii) The seller maintains a copy of
17 such certification and records dem-
18 onstrating that individuals referred to in
19 clause (vii) have undergone the training.

20 “(ix) If the seller is a mobile retail
21 vendor:

22 “(I) The seller complies with
23 clause (i) by placing the product in a
24 locked cabinet.



1 “(II) The seller does not sell
2 more than 7.5 grams of ephedrine
3 base, pseudoephedrine base, or phen-
4 ylpropanolamine base in such prod-
5 ucts per customer during a 30-day pe-
6 riod.

7 “(B) ADDITIONAL PROVISIONS REGARDING
8 CERTIFICATIONS AND TRAINING.—

9 “(i) IN GENERAL.—A regulated seller
10 may not sell any scheduled listed chemical
11 product at retail unless the seller has sub-
12 mitted to the Attorney General the self-
13 certification referred to in subparagraph
14 (A)(vii). The certification is not effective
15 for purposes of the preceding sentence un-
16 less, in addition to provisions regarding the
17 training of individuals referred to in such
18 subparagraph, the certification includes a
19 statement that the seller understands each
20 of the requirements that apply under this
21 paragraph and under subsection (d) and
22 agrees to comply with the requirements.

23 “(ii) ISSUANCE OF CRITERIA; SELF-
24 CERTIFICATION.—The Attorney General
25 shall by regulation establish criteria for



1 certifications under this paragraph. The
2 criteria shall—

3 “(I) provide that the certifi-
4 cations are self-certifications provided
5 through the program under clause
6 (iii);

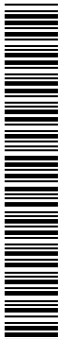
7 “(II) provide that a separate cer-
8 tification is required for each place of
9 business at which a regulated seller
10 sells scheduled listed chemical prod-
11 ucts at retail; and

12 “(III) include criteria for train-
13 ing under subparagraph (A)(vii).

14 “(iii) PROGRAM FOR REGULATED
15 SELLERS.—The Attorney General shall es-
16 tablish a program regarding such certifi-
17 cations and training in accordance with the
18 following:

19 “(I) The program shall be car-
20 ried out through an Internet site of
21 the Department of Justice and such
22 other means as the Attorney General
23 determines to be appropriate.

24 “(II) The program shall inform
25 regulated sellers that section 1001 of



1 title 18, United States Code, applies
2 to such certifications.

3 “(III) The program shall make
4 available to such sellers an expla-
5 nation of the criteria under clause (ii).

6 “(IV) The program shall be de-
7 signed to permit the submission of the
8 certifications through such Internet
9 site.

10 “(V) The program shall be de-
11 signed to automatically provide the
12 explanation referred to in subclause
13 (III), and an acknowledgement that
14 the Department has received a certifi-
15 cation, without requiring direct inter-
16 actions of regulated sellers with staff
17 of the Department (other than the
18 provision of technical assistance, as
19 appropriate).

20 “(iv) AVAILABILITY OF CERTIFI-
21 CATION TO STATE AND LOCAL OFFI-
22 CIALS.—Promptly after receiving a certifi-
23 cation under subparagraph (A)(vii), the
24 Attorney General shall make available a



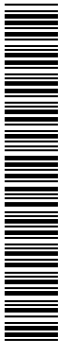
1 copy of the certification to the appropriate
2 State and local officials.

3 “(C) PRIVACY PROTECTIONS.—In order to
4 protect the privacy of individuals who purchase
5 scheduled listed chemical products, the Attorney
6 General shall by regulation establish restrictions
7 on disclosure of information in logbooks under
8 subparagraph (A)(iii). Such regulations shall—

9 “(i) provide for the disclosure of the
10 information as appropriate to the Attorney
11 General and to State and local law enforce-
12 ment agencies; and

13 “(ii) prohibit accessing, using, or
14 sharing information in the logbooks for
15 any purpose other than to ensure compli-
16 ance with this title or to facilitate a prod-
17 uct recall to protect public health and safe-
18 ty.

19 “(D) FALSE STATEMENTS OR MISREPRE-
20 SENTATIONS BY PURCHASERS.—For purposes
21 of section 1001 of title 18, United States Code,
22 entering information in the logbook under sub-
23 paragraph (A)(iii) shall be considered a matter
24 within the jurisdiction of the executive, legisla-

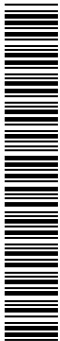


1 tive, or judicial branch of the Government of
2 the United States.

3 “(E) GOOD FAITH PROTECTION.—A regu-
4 lated seller who in good faith releases informa-
5 tion in a logbook under subparagraph (A)(iii) to
6 Federal, State, or local law enforcement au-
7 thorities is immune from civil liability for such
8 release unless the release constitutes gross neg-
9 ligence or intentional, wanton, or willful mis-
10 conduct.

11 “(F) INAPPLICABILITY OF REQUIREMENTS
12 TO CERTAIN SALES.—Subparagraph (A) does
13 not apply to the sale at retail of a scheduled
14 listed chemical product if a report on the sales
15 transaction is required to be submitted to the
16 Attorney General under subsection (b)(3).

17 “(G) CERTAIN MEASURES REGARDING
18 THEFT AND DIVERSION.—A regulated seller
19 may take reasonable measures to guard against
20 employing individuals who may present a risk
21 with respect to the theft and diversion of sched-
22 uled listed chemical products, which may in-
23 clude, notwithstanding State law, asking appli-
24 cants for employment whether they have been



1 convicted of any crime involving or related to
2 such products or controlled substances.”.

3 (2) EFFECTIVE DATES.—With respect to sub-
4 sections (d) and (e)(1) of section 310 of the Con-
5 trolled Substances Act, as added by paragraph (1)
6 of this subsection:

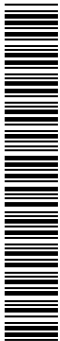
7 (A) Such subsection (d) applies on and
8 after the expiration of the 30-day period begin-
9 ning on the date of the enactment of this Act.

10 (B) Such subsection (e)(1) applies on and
11 after September 30, 2006.

12 (c) MAIL-ORDER REPORTING.—

13 (1) IN GENERAL.—Section 310(e) of the Con-
14 trolled Substances Act, as added by subsection
15 (b)(1) of this section, is amended by adding at the
16 end the following:

17 “(2) MAIL-ORDER REPORTING; VERIFICATION
18 OF IDENTITY OF PURCHASER; 30-DAY RESTRICTION
19 ON QUANTITIES FOR INDIVIDUAL PURCHASERS.—
20 Each regulated person who makes a sale at retail of
21 a scheduled listed chemical product and is required
22 under subsection (b)(3) to submit a report of the
23 sales transaction to the Attorney General is subject
24 to the following:



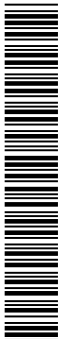
1 “(A) The person shall, prior to shipping
2 the product, confirm the identity of the pur-
3 chaser in accordance with procedures estab-
4 lished by the Attorney General. The Attorney
5 General shall by regulation establish such pro-
6 cedures.

7 “(B) The person may not sell more than
8 7.5 grams of ephedrine base, pseudoephedrine
9 base, or phenylpropanolamine base in such
10 products per customer during a 30-day pe-
11 riod.”.

12 (2) INAPPLICABILITY OF REPORTING EXEMP-
13 TION FOR RETAIL DISTRIBUTORS.—Section
14 310(b)(3)(D)(ii) of the Controlled Substances Act
15 (21 U.S.C. 830(b)(3)(D)(ii)) is amended by insert-
16 ing before the period the following: “, except that
17 this clause does not apply to sales of scheduled listed
18 chemical products at retail”.

19 (3) EFFECTIVE DATE.—The amendments made
20 by paragraphs (1) and (2) apply on and after the ex-
21 piration of the 30-day period beginning on the date
22 of the enactment of this Act.

23 (d) EXEMPTIONS FOR CERTAIN PRODUCTS.—Section
24 310(e) of the Controlled Substances Act, as added and
25 amended by subsections (b) and (c) of this section, respec-



1 tively, is amended by adding at the end the following para-
2 graph:

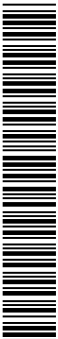
3 “(3) EXEMPTIONS FOR CERTAIN PRODUCTS.—

4 Upon the application of a manufacturer of a sched-
5 uled listed chemical product, the Attorney General
6 may by regulation provide that the product is ex-
7 empt from the provisions of subsection (d) and para-
8 graphs (1) and (2) of this subsection if the Attorney
9 General determines that the product cannot be used
10 in the illicit manufacture of methamphetamine.”.

11 (e) RESTRICTIONS ON QUANTITY PURCHASED DUR-
12 ING 30-DAY PERIOD.—

13 (1) IN GENERAL.—Section 404(a) of the Con-
14 trolled Substances Act (21 U.S.C. 844(a)) is amend-
15 ed by inserting after the second sentence the fol-
16 lowing: “It shall be unlawful for any person to know-
17 ingly or intentionally purchase at retail during a 30
18 day period more than 9 grams of ephedrine base,
19 pseudoephedrine base, or phenylpropanolamine base
20 in a scheduled listed chemical product, except that,
21 of such 9 grams, not more than 7.5 grams may be
22 imported by means of shipping through any private
23 or commercial carrier or the Postal Service.”.

24 (2) EFFECTIVE DATE.—The amendment made
25 by paragraph (1) applies on and after the expiration



1 of the 30-day period beginning on the date of the
2 enactment of this Act.

3 (f) ENFORCEMENT OF REQUIREMENTS FOR RETAIL
4 SALES.—

5 (1) CIVIL AND CRIMINAL PENALTIES.—

6 (A) IN GENERAL.—Section 402(a) of the
7 Controlled Substances Act (21 U.S.C. 842(a))
8 is amended—

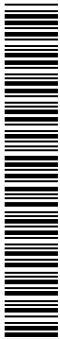
9 (i) in paragraph (10), by striking “or”
10 after the semicolon;

11 (ii) in paragraph (11), by striking the
12 period at the end and inserting a semi-
13 colon; and

14 (iii) by inserting after paragraph (11)
15 the following paragraphs:

16 “(12) who is a regulated seller, or a distributor
17 required to submit reports under subsection (b)(3)
18 of section 310—

19 “(A) to sell at retail a scheduled listed
20 chemical product in violation of paragraph (1)
21 of subsection (d) of such section, knowing at
22 the time of the transaction involved (inde-
23 pendent of consulting the logbook under sub-
24 section (e)(1)(A)(iii) of such section) that the
25 transaction is a violation; or



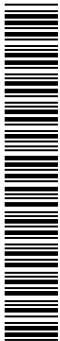
1 “(B) to knowingly or recklessly sell at re-
2 tail such a product in violation of paragraph (2)
3 of such subsection (d);

4 “(13) who is a regulated seller to knowingly or
5 recklessly sell at retail a scheduled listed chemical
6 product in violation of subsection (e) of such section;
7 or

8 “(14) who is a regulated seller or an employee
9 or agent of such seller to disclose, in violation of reg-
10 ulations under subparagraph (C) of section
11 310(e)(1), information in logbooks under subpara-
12 graph (A)(iii) of such section, or to refuse to provide
13 such a logbook to Federal, State, or local law en-
14 forcement authorities.”.

15 (B) CONFORMING AMENDMENT.—Section
16 401(f)(1) of the Controlled Substances Act (21
17 U.S.C. 841(f)(1)) is amended by inserting after
18 “shall” the following: “, except to the extent
19 that paragraph (12), (13), or (14) of section
20 402(a) applies,”.

21 (2) AUTHORITY TO PROHIBIT SALES BY VIOLA-
22 TORS.—Section 402(c) of the Controlled Substances
23 Act (21 U.S.C. 842(c)) is amended by adding at the
24 end the following paragraph:



1 “(4)(A) If a regulated seller, or a distributor required
2 to submit reports under section 310(b)(3), violates para-
3 graph (12) of subsection (a) of this section, or if a regu-
4 lated seller violates paragraph (13) of such subsection, the
5 Attorney General may by order prohibit such seller or dis-
6 tributor (as the case may be) from selling any scheduled
7 listed chemical product. Any sale of such a product in vio-
8 lation of such an order is subject to the same penalties
9 as apply under paragraph (2).

10 “(B) An order under subparagraph (A) may be im-
11 posed only through the same procedures as apply under
12 section 304(c) for an order to show cause.”.

13 (g) PRESERVATION OF STATE AUTHORITY TO REGU-
14 LATE SCHEDULED LISTED CHEMICALS.—This section
15 and the amendments made by this section may not be con-
16 strued as having any legal effect on section 708 of the
17 Controlled Substances Act as applied to the regulation of
18 scheduled listed chemicals (as defined in section 102(45)
19 of such Act).

20 **SEC. 712. REGULATED TRANSACTIONS.**

21 (a) CONFORMING AMENDMENTS REGARDING SCHED-
22 ULED LISTED CHEMICALS.—The Controlled Substances
23 Act (21 U.S.C. 801 et seq.) is amended—

24 (1) in section 102—

25 (A) in paragraph (39)(A)—



1 (i) by amending clause (iv) to read as
2 follows:

3 “(iv) any transaction in a listed chemical
4 that is contained in a drug that may be mar-
5 keted or distributed lawfully in the United
6 States under the Federal Food, Drug, and Cos-
7 metic Act, subject to clause (v), unless—

8 “(I) the Attorney General has deter-
9 mined under section 204 that the drug or
10 group of drugs is being diverted to obtain
11 the listed chemical for use in the illicit pro-
12 duction of a controlled substance; and

13 “(II) the quantity of the listed chem-
14 ical contained in the drug included in the
15 transaction or multiple transactions equals
16 or exceeds the threshold established for
17 that chemical by the Attorney General;”;

18 (ii) by redesignating clause (v) as
19 clause (vi); and

20 (iii) by inserting after clause (iv) the
21 following clause:

22 “(v) any transaction in a scheduled listed
23 chemical product that is a sale at retail by a
24 regulated seller or a distributor required to sub-
25 mit reports under section 310(b)(3); or”; and



1 (B) by striking the paragraph (45) that re-
2 lates to the term “ordinary over-the-counter
3 pseudoephedrine or phenylpropanolamine prod-
4 uct”;

5 (2) in section 204, by striking subsection (e);
6 and

7 (3) in section 303(h), in the second sentence, by
8 striking “section 102(39)(A)(iv)” and inserting
9 “clause (iv) or (v) of section 102(39)(A)”.

10 (b) PUBLIC LAW 104–237.—Section 401 of the Com-
11 prehensive Methamphetamine Control Act of 1996 (21
12 U.S.C. 802 note) (Public Law 104–237) is amended by
13 striking subsections (d), (e), and (f).

14 **SEC. 713. AUTHORITY TO ESTABLISH PRODUCTION**
15 **QUOTAS.**

16 Section 306 of the Controlled Substances Act (21
17 U.S.C. 826) is amended—

18 (1) in subsection (a), by inserting “and for
19 ephedrine, pseudoephedrine, and phenylpropanola-
20 mine” after “for each basic class of controlled sub-
21 stance in schedules I and II”;

22 (2) in subsection (b), by inserting “or for
23 ephedrine, pseudoephedrine, or phenylpropanola-
24 mine” after “for each basic class of controlled sub-
25 stance in schedule I or II”;



1 (3) in subsection (c), in the first sentence, by
2 inserting “and for ephedrine, pseudoephedrine, and
3 phenylpropanolamine” after “for the basic classes of
4 controlled substances in schedules I and II”;

5 (4) in subsection (d), by inserting “or ephed-
6 rine, pseudoephedrine, or phenylpropanolamine”
7 after “that basic class of controlled substance”;

8 (5) in subsection (e), by inserting “or for
9 ephedrine, pseudoephedrine, or phenylpropanola-
10 mine” after “for a basic class of controlled sub-
11 stance in schedule I or II”;

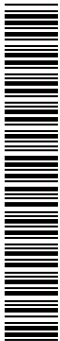
12 (6) in subsection (f)—

13 (A) by inserting “or ephedrine,
14 pseudoephedrine, or phenylpropanolamine”
15 after “controlled substances in schedules I and
16 II”;

17 (B) by inserting “or of ephedrine,
18 pseudoephedrine, or phenylpropanolamine”
19 after “the manufacture of a controlled sub-
20 stance”; and

21 (C) by inserting “or chemicals” after
22 “such incidentally produced substances”; and

23 (7) by adding at the end the following sub-
24 section:



1 “(g) Each reference in this section to ephedrine,
2 pseudoephedrine, or phenylpropanolamine includes each of
3 the salts, optical isomers, and salts of optical isomers of
4 such chemical.”.

5 **SEC. 714. PENALTIES; AUTHORITY FOR MANUFACTURING;**
6 **QUOTA.**

7 Section 402(b) of the Controlled Substances Act (21
8 U.S.C. 842(b)) is amended by inserting after “manufac-
9 ture a controlled substance in schedule I or II” the fol-
10 lowing: “, or ephedrine, pseudoephedrine, or phenyl-
11 propanolamine or any of the salts, optical isomers, or salts
12 of optical isomers of such chemical,”

13 **SEC. 715. RESTRICTIONS ON IMPORTATION; AUTHORITY TO**
14 **PERMIT IMPORTS FOR MEDICAL, SCIENTIFIC,**
15 **OR OTHER LEGITIMATE PURPOSES.**

16 Section 1002 of the Controlled Substances Import
17 and Export Act (21 U.S.C. 952) is amended—

18 (1) in subsection (a)—

19 (A) in the matter preceding paragraph (1),
20 by inserting “or ephedrine, pseudoephedrine, or
21 phenylpropanolamine,” after “schedule III, IV,
22 or V of title II,”; and

23 (B) in paragraph (1), by inserting “, and
24 of ephedrine, pseudoephedrine, and phenyl-
25 propanolamine, ” after “coca leaves”; and



1 (2) by adding at the end the following sub-
2 sections:

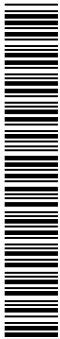
3 “(d)(1) With respect to a registrant under section
4 1008 who is authorized under subsection (a)(1) to import
5 ephedrine, pseudoephedrine, or phenylpropanolamine, at
6 any time during the year the registrant may apply for an
7 increase in the amount of such chemical that the reg-
8 istrant is authorized to import, and the Attorney General
9 may approve the application if the Attorney General deter-
10 mines that the approval is necessary to provide for med-
11 ical, scientific, or other legitimate purposes regarding the
12 chemical.

13 “(2) With respect to the application under paragraph
14 (1):

15 “(A) Not later than 60 days after receiving the
16 application, the Attorney General shall approve or
17 deny the application.

18 “(B) In approving the application, the Attorney
19 General shall specify the period of time for which
20 the approval is in effect, or shall provide that the
21 approval is effective until the registrant involved is
22 notified in writing by the Attorney General that the
23 approval is terminated.

24 “(C) If the Attorney General does not approve
25 or deny the application before the expiration of the



1 60-day period under subparagraph (A), the applica-
2 tion is deemed to be approved, and such approval re-
3 mains in effect until the Attorney General notifies
4 the registrant in writing that the approval is termi-
5 nated.

6 “(e) Each reference in this section to ephedrine,
7 pseudoephedrine, or phenylpropanolamine includes each of
8 the salts, optical isomers, and salts of optical isomers of
9 such chemical.”.

10 **SEC. 716. NOTICE OF IMPORTATION OR EXPORTATION; AP-**
11 **PROVAL OF SALE OR TRANSFER BY IM-**
12 **PORTER OR EXPORTER.**

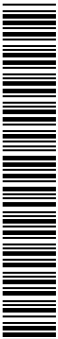
13 (a) IN GENERAL.—Section 1018 of the Controlled
14 Substances Import and Export Act (21 U.S.C. 971) is
15 amended—

16 (1) in subsection (b)(1), in the first sentence,
17 by striking “or to an importation by a regular im-
18 porter” and inserting “or to a transaction that is an
19 importation by a regular importer”;

20 (2) by redesignating subsections (d) and (e) as
21 subsections (e) and (f), respectively;

22 (3) by inserting after subsection (c) the fol-
23 lowing subsection:

24 “(d)(1)(A) Information provided in a notice under
25 subsection (a) or (b) shall include the name of the person



1 to whom the importer or exporter involved intends to
2 transfer the listed chemical involved, and the quantity of
3 such chemical to be transferred.

4 “(B) In the case of a notice under subsection (b) sub-
5 mitted by a regular importer, if the transferee identified
6 in the notice is not a regular customer, such importer may
7 not transfer the listed chemical until after the expiration
8 of the 15-day period beginning on the date on which the
9 notice is submitted to the Attorney General.

10 “(C) After a notice under subsection (a) or (b) is sub-
11 mitted to the Attorney General, if circumstances change
12 and the importer or exporter will not be transferring the
13 listed chemical to the transferee identified in the notice,
14 or will be transferring a greater quantity of the chemical
15 than specified in the notice, the importer or exporter shall
16 update the notice to identify the most recent prospective
17 transferee or the most recent quantity or both (as the case
18 may be) and may not transfer the listed chemical until
19 after the expiration of the 15-day period beginning on the
20 date on which the update is submitted to the Attorney
21 General, except that such 15-day restriction does not
22 apply if the prospective transferee identified in the update
23 is a regular customer. The preceding sentence applies with
24 respect to changing circumstances regarding a transferee
25 or quantity identified in an update to the same extent and



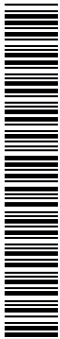
1 in the same manner as such sentence applies with respect
2 to changing circumstances regarding a transferee or quan-
3 tity identified in the original notice under subsection (a)
4 or (b).

5 “(D) In the case of a transfer of a listed chemical
6 that is subject to a 15-day restriction under subparagraph
7 (B) or (C), the transferee involved shall, upon the expira-
8 tion of the 15-day period, be considered to qualify as a
9 regular customer, unless the Attorney General otherwise
10 notifies the importer or exporter involved in writing.

11 “(2) With respect to a transfer of a listed chemical
12 with which a notice or update referred to in paragraph
13 (1) is concerned:

14 “(A) The Attorney General, in accordance with
15 the same procedures as apply under subsection
16 (c)(2)—

17 “(i) may order the suspension of the trans-
18 fer of the listed chemical by the importer or ex-
19 porter involved, except for a transfer to a reg-
20 ular customer, on the ground that the chemical
21 may be diverted to the clandestine manufacture
22 of a controlled substance (without regard to the
23 form of the chemical that may be diverted, in-
24 cluding the diversion of a finished drug product
25 to be manufactured from bulk chemicals to be



1 transferred), subject to the Attorney General
2 ordering such suspension before the expiration
3 of the 15-day period referred to in paragraph
4 (1) with respect to the importation or expor-
5 tation (in any case in which such a period ap-
6 plies); and

7 “(ii) may, for purposes of clause (i) and
8 paragraph (1), disqualify a regular customer on
9 such ground.

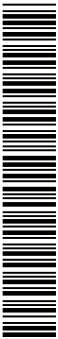
10 “(B) From and after the time when the Attor-
11 ney General provides written notice of the order
12 under subparagraph (A) (including a statement of
13 the legal and factual basis for the order) to the im-
14 porter or exporter, the importer or exporter may not
15 carry out the transfer.

16 “(3) For purposes of this subsection:

17 “(A) The terms ‘importer’ and ‘exporter’ mean
18 a regulated person who imports or exports a listed
19 chemical, respectively.

20 “(B) The term ‘transfer’, with respect to a list-
21 ed chemical, includes the sale of the chemical.

22 “(C) The term ‘transferee’ means a person to
23 whom an importer or exporter transfers a listed
24 chemical.”; and



1 (4) by adding at the end the following sub-
2 section:

3 “(g) Within 30 days after a transaction covered by
4 this section is completed, the importer or exporter shall
5 send the Attorney General a return declaration containing
6 particulars of the transaction, including the date, quan-
7 tity, chemical, container, name of transferees, and such
8 other information as the Attorney General may specify in
9 regulations. For importers, a single return declaration
10 may include the particulars of both the importation and
11 distribution. If the importer has not distributed all chemi-
12 cals imported by the end of the initial 30-day period, the
13 importer shall file supplemental return declarations no
14 later than 30 days from the date of any further distribu-
15 tion, until the distribution or other disposition of all
16 chemicals imported pursuant to the import notification or
17 any update are accounted for.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) CONTROLLED SUBSTANCES IMPORT AND
20 EXPORT ACT.—The Controlled Substances Import
21 and Export Act (21 U.S.C. 951 et seq.) is
22 amended—

23 (A) in section 1010(d)(5), by striking “sec-
24 tion 1018(e)(2) or (3)” and inserting “para-
25 graph (2) or (3) of section 1018(f)”; and



1 (B) in section 1018(c)(1), in the first sen-
2 tence, by inserting before the period the fol-
3 lowing: “(without regard to the form of the
4 chemical that may be diverted, including the di-
5 version of a finished drug product to be manu-
6 factured from bulk chemicals to be trans-
7 ferred)”.

8 (2) CONTROLLED SUBSTANCES ACT.—Section
9 310(b)(3)(D)(v) of the Controlled Substances Act
10 (21 U.S.C. 830(b)(3)(D)(v)) is amended by striking
11 “section 1018(e)(2)” and inserting “section
12 1018(f)(2)”.

13 **SEC. 717. ENFORCEMENT OF RESTRICTIONS ON IMPORTA-**
14 **TION AND OF REQUIREMENT OF NOTICE OF**
15 **TRANSFER.**

16 Section 1010(d)(6) of the Controlled Substances Im-
17 port and Export Act (21 U.S.C. 960(d)(6)) is amended
18 to read as follows:

19 “(6) imports a listed chemical in violation of
20 section 1002, imports or exports such a chemical in
21 violation of section 1007 or 1018, or transfers such
22 a chemical in violation of section 1018(d); or”.



1 **SEC. 718. COORDINATION WITH UNITED STATES TRADE**
2 **REPRESENTATIVE.**

3 In implementing sections 713 through 717 and sec-
4 tion 721 of this title, the Attorney General shall consult
5 with the United States Trade Representative to ensure im-
6 plementation complies with all applicable international
7 treaties and obligations of the United States.

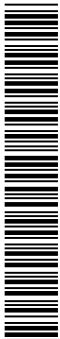
8 **Subtitle B—International**
9 **Regulation of Precursor Chemicals**

10 **SEC. 721. INFORMATION ON FOREIGN CHAIN OF DISTRIBUTION;**
11 **IMPORT RESTRICTIONS REGARDING**
12 **FAILURE OF DISTRIBUTORS TO COOPERATE.**

13 Section 1018 of the Controlled Substances Import
14 and Export Act (21 U.S.C. 971), as amended by section
15 716(a)(4) of this title, is further amended by adding at
16 the end the following subsection:

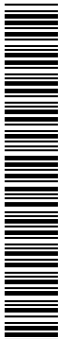
17 “(h)(1) With respect to a regulated person importing
18 ephedrine, pseudoephedrine, or phenylpropanolamine (re-
19 ferred to in this section as an ‘importer’), a notice of im-
20 portation under subsection (a) or (b) shall include all in-
21 formation known to the importer on the chain of distribu-
22 tion of such chemical from the manufacturer to the im-
23 porter.

24 “(2) For the purpose of preventing or responding to
25 the diversion of ephedrine, pseudoephedrine, or phenyl-
26 propanolamine for use in the illicit production of meth-



1 amphetamine, the Attorney General may, in the case of
2 any person who is a manufacturer or distributor of such
3 chemical in the chain of distribution referred to in para-
4 graph (1) (which person is referred to in this subsection
5 as a ‘foreign-chain distributor’), request that such dis-
6 tributor provide to the Attorney General information
7 known to the distributor on the distribution of the chem-
8 ical, including sales.

9 “(3) If the Attorney General determines that a for-
10 eign-chain distributor is refusing to cooperate with the At-
11 torney General in obtaining the information referred to in
12 paragraph (2), the Attorney General may, in accordance
13 with procedures that apply under subsection (c), issue an
14 order prohibiting the importation of ephedrine,
15 pseudoephedrine, or phenylpropanolamine in any case in
16 which such distributor is part of the chain of distribution
17 for such chemical. Not later than 60 days prior to issuing
18 the order, the Attorney General shall publish in the Fed-
19 eral Register a notice of intent to issue the order. During
20 such 60-day period, imports of the chemical with respect
21 to such distributor may not be restricted under this para-
22 graph.”.



1 **SEC. 722. REQUIREMENTS RELATING TO THE LARGEST EX-**
2 **PORTING AND IMPORTING COUNTRIES OF**
3 **CERTAIN PRECURSOR CHEMICALS.**

4 (a) REPORTING REQUIREMENTS.—Section 489(a) of
5 the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a))
6 is amended by adding at the end the following new para-
7 graph:

8 “(8)(A) A separate section that contains the
9 following:

10 “(i) An identification of the five countries
11 that exported the largest amount of
12 pseudoephedrine, ephedrine, and phenyl-
13 propanolamine (including the salts, optical iso-
14 mers, or salts of optical isomers of such chemi-
15 cals, and also including any products or sub-
16 stances containing such chemicals) during the
17 preceding calendar year.

18 “(ii) An identification of the five countries
19 that imported the largest amount of the chemi-
20 cals described in clause (i) during the preceding
21 calendar year and have the highest rate of di-
22 version of such chemicals for use in the illicit
23 production of methamphetamine (either in that
24 country or in another country).

25 “(iii) An economic analysis of the total
26 worldwide production of the chemicals described



1 in clause (i) as compared to the legitimate de-
2 mand for such chemicals worldwide.

3 “(B) The identification of countries that im-
4 ported the largest amount of chemicals under sub-
5 paragraph (A)(ii) shall be based on the following:

6 “(i) An economic analysis that estimates
7 the legitimate demand for such chemicals in
8 such countries as compared to the actual or es-
9 timated amount of such chemicals that is im-
10 ported into such countries.

11 “(ii) The best available data and other in-
12 formation regarding the production of meth-
13 amphetamine in such countries and the diver-
14 sion of such chemicals for use in the production
15 of methamphetamine.”.

16 (b) ANNUAL CERTIFICATION PROCEDURES.—Section
17 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C.
18 2291j(a)) is amended—

19 (1) in paragraph (1), by striking “major illicit
20 drug producing country or major drug-transit coun-
21 try” and inserting “major illicit drug producing
22 country, major drug-transit country, or country
23 identified pursuant to clause (i) or (ii) of section
24 489(a)(8)(A) of this Act”; and



1 (2) in paragraph (2), by inserting after “(as de-
2 termined under subsection (h))” the following: “or
3 country identified pursuant to clause (i) or (ii) of
4 section 489(a)(8)(A) of this Act”.

5 (c) CONFORMING AMENDMENT.—Section 706 of the
6 Foreign Relations Authorization Act, Fiscal Year 2003
7 (22 U.S.C. 2291j-1) is amended in paragraph (5) by add-
8 ing at the end the following:

9 “(C) Nothing in this section shall affect the re-
10 quirements of section 490 of the Foreign Assistance
11 Act of 1961 (22 U.S.C. 2291j) with respect to coun-
12 tries identified pursuant to section clause (i) or (ii)
13 of 489(a)(8)(A) of the Foreign Assistance Act of
14 1961.”.

15 (d) PLAN TO ADDRESS DIVERSION OF PRECURSOR
16 CHEMICALS.—In the case of each country identified pur-
17 suant to clause (i) or (ii) of section 489(a)(8)(A) of the
18 Foreign Assistance Act of 1961 (as added by subsection
19 (a)) with respect to which the President has not trans-
20 mitted to Congress a certification under section 490(b) of
21 such Act (22 U.S.C. 2291j(b)), the Secretary of State, in
22 consultation with the Attorney General, shall, not later
23 than 180 days after the date on which the President trans-
24 mits the report required by section 489(a) of such Act (22
25 U.S.C. 2291h(a)), submit to Congress a comprehensive



1 plan to address the diversion of the chemicals described
2 in section 489(a)(8)(A)(i) of such Act to the illicit produc-
3 tion of methamphetamine in such country or in another
4 country, including the establishment, expansion, and en-
5 hancement of regulatory, law enforcement, and other in-
6 vestigative efforts to prevent such diversion.

7 (e) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Secretary of State
9 to carry out this section \$1,000,000 for each of the fiscal
10 years 2006 and 2007.

11 **SEC. 723. PREVENTION OF SMUGGLING OF METHAMPHET-**
12 **AMINE INTO THE UNITED STATES FROM MEX-**
13 **ICO.**

14 (a) IN GENERAL.—The Secretary of State, acting
15 through the Assistant Secretary of the Bureau for Inter-
16 national Narcotics and Law Enforcement Affairs, shall
17 take such actions as are necessary to prevent the smug-
18 gling of methamphetamine into the United States from
19 Mexico.

20 (b) SPECIFIC ACTIONS.—In carrying out subsection
21 (a), the Secretary shall—

22 (1) improve bilateral efforts at the United
23 States-Mexico border to prevent the smuggling of
24 methamphetamine into the United States from Mex-
25 ico;

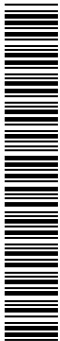


1 (2) seek to work with Mexican law enforcement
2 authorities to improve the ability of such authorities
3 to combat the production and trafficking of meth-
4 amphetamine, including by providing equipment and
5 technical assistance, as appropriate; and

6 (3) encourage the Government of Mexico to
7 take immediate action to reduce the diversion of
8 pseudoephedrine by drug trafficking organizations
9 for the production and trafficking of methamphet-
10 amine.

11 (c) REPORT.—Not later than one year after the date
12 of the enactment of this Act, and annually thereafter, the
13 Secretary shall submit to the appropriate congressional
14 committees a report on the implementation of this section
15 for the prior year.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary to carry
18 out this section \$4,000,000 for each of the fiscal years
19 2006 and 2007.



1 **Subtitle C—Enhanced Criminal**
2 **Penalties for Methamphetamine**
3 **Production and Trafficking**

4 **SEC. 731. SMUGGLING METHAMPHETAMINE OR METH-**
5 **AMPHETAMINE PRECURSOR CHEMICALS**
6 **INTO THE UNITED STATES WHILE USING FA-**
7 **CILITATED ENTRY PROGRAMS.**

8 (a) **ENHANCED PRISON SENTENCE.**—The sentence
9 of imprisonment imposed on a person convicted of an of-
10 fense under the Controlled Substances Act (21 U.S.C. 801
11 et seq.) or the Controlled Substances Import and Export
12 Act (21 U.S.C. 951 et seq.), involving methamphetamine
13 or any listed chemical that is defined in section 102(33)
14 of the Controlled Substances Act (21 U.S.C. 802(33),
15 shall, if the offense is committed under the circumstance
16 described in subsection (b), be increased by a consecutive
17 term of imprisonment of not more than 15 years.

18 (b) **CIRCUMSTANCES.**—For purposes of subsection
19 (a), the circumstance described in this subsection is that
20 the offense described in subsection (a) was committed by
21 a person who—

22 (1) was enrolled in, or who was acting on behalf
23 of any person or entity enrolled in, any dedicated
24 commuter lane, alternative or accelerated inspection
25 system, or other facilitated entry program adminis-



1 tered or approved by the Federal Government for
2 use in entering the United States; and

3 (2) committed the offense while entering the
4 United States, using such lane, system, or program.

5 (c) PERMANENT INELIGIBILITY.—Any person whose
6 term of imprisonment is increased under subsection (a)
7 shall be permanently and irrevocably barred from being
8 eligible for or using any lane, system, or program de-
9 scribed in subsection (b)(1).

10 **SEC. 732. MANUFACTURING CONTROLLED SUBSTANCES ON**
11 **FEDERAL PROPERTY.**

12 Subsection (b) of section 401 of the Controlled Sub-
13 stances Act (21 U.S.C. 841(b)) is amended in paragraph
14 (5) by inserting “or manufacturing” after “cultivating”.

15 **SEC. 733. INCREASED PUNISHMENT FOR METHAMPHET-**
16 **AMINE KINGPINS.**

17 Section 408 of the Controlled Substances Act (21
18 U.S.C. 848) is amended by adding at the end the fol-
19 lowing:

20 “(s) SPECIAL PROVISION FOR METHAMPHET-
21 AMINE.—For the purposes of subsection (b), in the case
22 of continuing criminal enterprise involving methamphet-
23 amine or its salts, isomers, or salts of isomers, paragraph
24 (2)(A) shall be applied by substituting ‘200’ for ‘300’, and



1 paragraph (2)(B) shall be applied by substituting
2 ‘\$5,000,000’ for ‘\$10 million dollars’. ”.

3 **SEC. 734. NEW CHILD-PROTECTION CRIMINAL ENHANCE-**
4 **MENT.**

5 (a) IN GENERAL.—The Controlled Substances Act is
6 amended by inserting after section 419 (21 U.S.C. 860)
7 the following:

8 “CONSECUTIVE SENTENCE FOR MANUFACTURING OR DIS-
9 TRIBUTING, OR POSSESSING WITH INTENT TO MANU-
10 FACTURE OR DISTRIBUTE, METHAMPHETAMINE ON
11 PREMISES WHERE CHILDREN ARE PRESENT OR RE-
12 SIDE

13 “SEC. 419a. Whoever violates section 401(a)(1) by
14 manufacturing or distributing, or possessing with intent
15 to manufacture or distribute, methamphetamine or its
16 salts, isomers or salts of isomers on premises in which an
17 individual who is under the age of 18 years is present or
18 resides, shall, in addition to any other sentence imposed,
19 be imprisoned for a period of any term of years but not
20 more than 20 years, subject to a fine, or both. ”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 of the Comprehensive Drug Abuse Prevention and Control
23 Act of 1970 is amended by inserting after the item relat-
24 ing to section 419 the following new item:

“Sec. 419a. Consecutive sentence for manufacturing or distributing, or pos-
sessing with intent to manufacture or distribute, methamphet-
amine on premises where children are present or reside.”.



1 **SEC. 735. AMENDMENTS TO CERTAIN SENTENCING COURT**
2 **REPORTING REQUIREMENTS.**

3 Section 994(w) of title 28, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) by inserting “, in a format approved
7 and required by the Commission,” after “sub-
8 mits to the Commission”;

9 (B) in subparagraph (B)—

10 (i) by inserting “written” before
11 “statement of reasons”; and

12 (ii) by inserting “and which shall be
13 stated on the written statement of reasons
14 form issued by the Judicial Conference and
15 approved by the United States Sentencing
16 Commission” after “applicable guideline
17 range”; and

18 (C) by adding at the end the following:

19 “The information referred to in subparagraphs (A)
20 through (F) shall be submitted by the sentencing court
21 in a format approved and required by the Commission.”;
22 and

23 (2) in paragraph (4), by striking “may assem-
24 ble or maintain in electronic form that include any”
25 and inserting “itself may assemble or maintain in
26 electronic form as a result of the”.



1 **SEC. 736. SEMIANNUAL REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—The Attorney General shall, on a
3 semiannual basis, submit to the congressional committees
4 and organizations specified in subsection (b) reports
5 that—

6 (1) describe the allocation of the resources of
7 the Drug Enforcement Administration and the Fed-
8 eral Bureau of Investigation for the investigation
9 and prosecution of alleged violations of the Con-
10 trolled Substances Act involving methamphetamine;
11 and

12 (2) the measures being taken to give priority in
13 the allocation of such resources to such violations
14 involving—

15 (A) persons alleged to have imported into
16 the United States substantial quantities of
17 methamphetamine or scheduled listed chemicals
18 (as defined pursuant to the amendment made
19 by section 711(a)(1));

20 (B) persons alleged to have manufactured
21 methamphetamine; and

22 (C) circumstances in which the violations
23 have endangered children.

24 (b) CONGRESSIONAL COMMITTEES.—The congres-
25 sional committees and organizations referred to in sub-
26 section (a) are—



1 (1) in the House of Representatives, the Com-
2 mittee on the Judiciary, the Committee on Energy
3 and Commerce, and the Committee on Government
4 Reform; and

5 (2) in the Senate, the Committee on the Judici-
6 ary, the Committee on Commerce, Science, and
7 Transportation, and the Caucus on International
8 Narcotics Control.

9 **Subtitle D—Enhanced Environ-**
10 **mental Regulation of Meth-**
11 **amphetamine Byproducts**

12 **SEC. 741. BIENNIAL REPORT TO CONGRESS ON AGENCY**
13 **DESIGNATIONS OF BY-PRODUCTS OF METH-**
14 **AMPHETAMINE LABORATORIES AS HAZ-**
15 **ARDOUS MATERIALS.**

16 Section 5103 of title 49, Unites States Code, is
17 amended by adding at the end the following:

18 “(d) BIENNIAL REPORT.—The Secretary of Trans-
19 portation shall submit to the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 and the Senate Committee on Commerce, Science, and
22 Transportation a biennial report providing information on
23 whether the Secretary has designated as hazardous mate-
24 rials for purposes of chapter 51 of such title all by-prod-
25 ucts of the methamphetamine-production process that are



1 known by the Secretary to pose an unreasonable risk to
2 health and safety or property when transported in com-
3 merce in a particular amount and form.”.

4 **SEC. 742. METHAMPHETAMINE PRODUCTION REPORT.**

5 Section 3001 of the Solid Waste Disposal Act (42
6 U.S.C. 6921) is amended at the end by adding the fol-
7 lowing:

8 “(j) METHAMPHETAMINE PRODUCTION.—Not later
9 than every 24 months, the Administrator shall submit to
10 the Committee on Energy and Commerce of the House
11 of Representatives and the Committee on Environment
12 and Public Works of the Senate a report setting forth in-
13 formation collected by the Administrator from law enforce-
14 ment agencies, States, and other relevant stakeholders
15 that identifies the byproducts of the methamphetamine
16 production process and whether the Administrator con-
17 sideres each of the byproducts to be a hazardous waste pur-
18 suant to this section and relevant regulations.”.

19 **SEC. 743. CLEANUP COSTS.**

20 (a) IN GENERAL.—Section 413(q) of the Controlled
21 Substances Act (21 U.S.C. 853(q)) is amended—

22 (1) in the matter preceding paragraph (1), by
23 inserting “, the possession, or the possession with in-
24 tent to distribute, ” after “manufacture”; and



1 (2) in paragraph (2), by inserting “, or on
2 premises or in property that the defendant owns, re-
3 sides, or does business in” after “by the defendant”.

4 (b) SAVINGS CLAUSE.—Nothing in this section shall
5 be interpreted or construed to amend, alter, or otherwise
6 affect the obligations, liabilities and other responsibilities
7 of any person under any Federal or State environmental
8 laws.

9 **Subtitle E—Additional Programs**
10 **and Activities**

11 **SEC. 751. IMPROVEMENTS TO DEPARTMENT OF JUSTICE**
12 **DRUG COURT GRANT PROGRAM.**

13 Section 2951 of the Omnibus Crime Control and Safe
14 Streets Act of 1968 (42 U.S.C. 3797u) is amended by
15 adding at the end the following new subsection:

16 “(c) MANDATORY DRUG TESTING AND MANDATORY
17 SANCTIONS.—

18 “(1) MANDATORY TESTING.—Grant amounts
19 under this part may be used for a drug court only
20 if the drug court has mandatory periodic testing as
21 described in subsection (a)(3)(A). The Attorney
22 General shall, by prescribing guidelines or regula-
23 tions, specify standards for the timing and manner
24 of complying with such requirements. The
25 standards—



1 “(A) shall ensure that—

2 “(i) each participant is tested for
3 every controlled substance that the partici-
4 pant has been known to abuse, and for any
5 other controlled substance the Attorney
6 General or the court may require; and

7 “(ii) the testing is accurate and prac-
8 ticable; and

9 “(B) may require approval of the drug
10 testing regime to ensure that adequate testing
11 occurs.

12 “(2) MANDATORY SANCTIONS.—The Attorney
13 General shall, by prescribing guidelines or regula-
14 tions, specify that grant amounts under this part
15 may be used for a drug court only if the drug court
16 imposes graduated sanctions that increase punitive
17 measures, therapeutic measures, or both whenever a
18 participant fails a drug test. Such sanctions and
19 measures may include, but are not limited to, one or
20 more of the following:

21 “(A) Incarceration.

22 “(B) Detoxification treatment.

23 “(C) Residential treatment.

24 “(D) Increased time in program.

25 “(E) Termination from the program.



1 “(F) Increased drug screening require-
2 ments.

3 “(G) Increased court appearances.

4 “(H) Increased counseling.

5 “(I) Increased supervision.

6 “(J) Electronic monitoring.

7 “(K) In-home restriction.

8 “(L) Community service.

9 “(M) Family counseling.

10 “(N) Anger management classes.”.

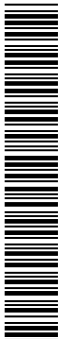
11 **SEC. 752. DRUG COURTS FUNDING.**

12 Section 1001(25)(A) of title I of the Omnibus Crime
13 Control and Safe Streets Act of 1968 (42 U.S.C.
14 2591(25)(A)) is amended by adding at the end the fol-
15 lowing:

16 “(v) \$70,000,000 for fiscal year
17 2006.”.

18 **SEC. 753. FEASIBILITY STUDY ON FEDERAL DRUG COURTS.**

19 The Attorney General shall, conduct a feasibility
20 study on the desirability of a drug court program for Fed-
21 eral offenders who are addicted to controlled substances.
22 The Attorney General lower-level, non-violate report the
23 results of that study to Congress not later than June 30,
24 2006.



1 **SEC. 754. GRANTS TO HOT SPOT AREAS TO REDUCE AVAIL-**
2 **ABILITY OF METHAMPHETAMINE.**

3 Title I of the Omnibus Crime Control and Safe
4 Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended
5 by adding at the end the following:

6 **“PART II—CONFRONTING USE OF**
7 **METHAMPHETAMINE**

8 **“SEC. 2996. AUTHORITY TO MAKE GRANTS TO ADDRESS**
9 **PUBLIC SAFETY AND METHAMPHETAMINE**
10 **MANUFACTURING, SALE, AND USE IN HOT**
11 **SPOTS.**

12 **“(a) PURPOSE AND PROGRAM AUTHORITY.—**

13 **“(1) PURPOSE.—**It is the purpose of this part
14 **to assist States—**

15 **“(A) to carry out programs to address the**
16 **manufacture, sale, and use of methamphet-**
17 **amine drugs; and**

18 **“(B) to improve the ability of State and**
19 **local government institutions of to carry out**
20 **such programs.**

21 **“(2) GRANT AUTHORIZATION.—**The Attorney
22 **General, through the Bureau of Justice Assistance**
23 **in the Office of Justice Programs may make grants**
24 **to States to address the manufacture, sale, and use**
25 **of methamphetamine to enhance public safety.**



1 “(3) GRANT PROJECTS TO ADDRESS METH-
2 AMPHETAMINE MANUFACTURE SALE AND USE.—
3 Grants made under subsection (a) may be used for
4 programs, projects, and other activities to—

5 “(A) investigate, arrest and prosecute indi-
6 viduals violating laws related to the use, manu-
7 facture, or sale of methamphetamine;

8 “(B) reimburse the Drug Enforcement Ad-
9 ministration for expenses related to the clean
10 up of methamphetamine clandestine labs;

11 “(C) support State and local health depart-
12 ment and environmental agency services de-
13 ployed to address methamphetamine; and

14 “(D) procure equipment, technology, or
15 support systems, or pay for resources, if the ap-
16 plicant for such a grant demonstrates to the
17 satisfaction of the Attorney General that ex-
18 penditures for such purposes would result in
19 the reduction in the use, sale, and manufacture
20 of methamphetamine.

21 **“SEC. 2997. FUNDING.**

22 “‘There are authorized to be appropriated to carry out
23 this part \$99,000,000 for each fiscal year 2006, 2007,
24 2008, 2009, and 2010.’”.



1 **SEC. 755. GRANTS FOR PROGRAMS FOR DRUG-ENDAN-**
2 **GERED CHILDREN.**

3 (a) IN GENERAL.—The Attorney General shall make
4 grants to States for the purpose of carrying out programs
5 to provide comprehensive services to aid children who are
6 living in a home in which methamphetamine or other con-
7 trolled substances are unlawfully manufactured, distrib-
8 uted, dispensed, or used.

9 (b) CERTAIN REQUIREMENTS.—The Attorney Gen-
10 eral shall ensure that the services carried out with grants
11 under subsection (a) include the following:

12 (1) Coordination among law enforcement agen-
13 cies, prosecutors, child protective services, social
14 services, health care services, and any other services
15 determined to be appropriate by the Attorney Gen-
16 eral to provide assistance regarding the problems of
17 children described in subsection (a).

18 (2) Transition of children from toxic or drug-
19 endangering environments to appropriate residential
20 environments.

21 (c) AUTHORIZATION OF APPROPRIATIONS.—For the
22 purpose of carrying out this section, there are authorized
23 to be appropriated \$20,000,000 for each of the fiscal years
24 2006 and 2007. Amounts appropriated under the pre-
25 ceding sentence shall remain available until expended.



1 **SEC. 756. AUTHORITY TO AWARD COMPETITIVE GRANTS TO**
2 **ADDRESS METHAMPHETAMINE USE BY PREG-**
3 **NANT AND PARENTING WOMEN OFFENDERS.**

4 (a) PURPOSE AND PROGRAM AUTHORITY.—

5 (1) GRANT AUTHORIZATION.—The Attorney
6 General may award competitive grants to address
7 the use of methamphetamine among pregnant and
8 parenting women offenders to promote public safety,
9 public health, family permanence and well being.

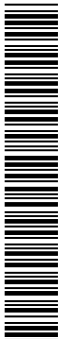
10 (2) PURPOSES AND PROGRAM AUTHORITY.—

11 Grants awarded under this section shall be used to
12 facilitate or enhance and collaboration between the
13 criminal justice, child welfare, and State substance
14 abuse systems in order to carry out programs to ad-
15 dress the use of methamphetamine drugs by preg-
16 nant and parenting women offenders.

17 (b) DEFINITIONS.—In this section, the following defi-
18 nitions shall apply:

19 (1) CHILD WELFARE AGENCY.—The term
20 “child welfare agency” means the State agency re-
21 sponsible for child and/or family services and wel-
22 fare.

23 (2) CRIMINAL JUSTICE AGENCY.—The term
24 “criminal justice agency” means an agency of the
25 State or local government or its contracted agency
26 that is responsible for detection, arrest, enforcement,



1 prosecution, defense, adjudication, incarceration,
2 probation, or parole relating to the violation of the
3 criminal laws of that State or local government.

4 (c) APPLICATIONS.—

5 (1) IN GENERAL.—No grant may be awarded
6 under this section unless an application has been
7 submitted to, and approved by, the Attorney Gen-
8 eral.

9 (2) APPLICATION.—An application for a grant
10 under this section shall be submitted in such form,
11 and contain such information, as the Attorney Gen-
12 eral, may prescribe by regulation or guidelines.

13 (3) ELIGIBLE ENTITIES.—The Attorney Gen-
14 eral shall make grants to States, territories, and In-
15 dian Tribes. Applicants must demonstrate extensive
16 collaboration with the State criminal justice agency
17 and child welfare agency in the planning and imple-
18 mentation of the program.

19 (4) CONTENTS.—In accordance with the regula-
20 tions or guidelines established by the Attorney Gen-
21 eral in consultation with the Secretary of Health and
22 Human Services, each application for a grant under
23 this section shall contain a plan to expand the
24 State's services for pregnant and parenting women
25 offenders who are pregnant women and/or women



1 with dependent children for the use of methamphet-
2 amine or methamphetamine and other drugs and in-
3 clude the following in the plan:

4 (A) A description of how the applicant will
5 work jointly with the State criminal justice and
6 child welfare agencies needs associated with the
7 use of methamphetamine or methamphetamine
8 and other drugs by pregnant and parenting
9 women offenders to promote family stability
10 and permanence.

11 (B) A description of the nature and the ex-
12 tent of the problem of methamphetamine use by
13 pregnant and parenting women offenders.

14 (C) A certification that the State has in-
15 volved counties and other units of local govern-
16 ment, when appropriate, in the development, ex-
17 pansion, modification, operation or improve-
18 ment of proposed programs to address the use,
19 manufacture, or sale of methamphetamine.

20 (D) A certification that funds received
21 under this section will be used to supplement,
22 not supplant, other Federal, State, and local
23 funds.

24 (E) A description of clinically appropriate
25 practices and procedures to—



1 (i) screen and assess pregnant and
2 parenting women offenders for addiction to
3 methamphetamine and other drugs;

4 (ii) when clinically appropriate for
5 both the women and children, provide fam-
6 ily treatment for pregnant and parenting
7 women offenders, with clinically appro-
8 priate services in the same location to pro-
9 mote family permanence and self suffi-
10 ciency; and

11 (iii) provide for a process to enhance
12 or ensure the abilities of the child welfare
13 agency, criminal justice agency and State
14 substance agency to work together to re-
15 unite families when appropriate in the case
16 where family treatment is not provided.

17 (d) PERIOD OF GRANT.—The grant shall be a three-
18 year grant. Successful applicants may reapply for only one
19 additional three-year funding cycle and the Attorney Gen-
20 eral may approve such applications.

21 (e) PERFORMANCE ACCOUNTABILITY; REPORTS AND
22 EVALUATIONS.—

23 (1) REPORTS.—Successful applicants shall sub-
24 mit to the Attorney General a report on the activi-



1 ties carried out under the grant at the end of each
2 fiscal year.

3 (2) EVALUATIONS.—Not later than 12 months
4 at the end of the 3 year funding cycle under this
5 section, the Attorney General shall submit a report
6 to the appropriate committees of jurisdiction that
7 summarizes the results of the evaluations conducted
8 by recipients and recommendations for further legis-
9 lative action.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 such sums as may be necessary.

